

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

DILENI MARIA ROSARIO SANTOS

DEBTOR(S)

CASE NO. 09-00945 ESL

CHAPTER 13

**MOTION TO FILE A POST CONFIRMATION MODIFIED PLAN
DATED MAY 6, 2011**

TO THE HONORABLE COURT:

COME(S) NOW Debtor(s), represented by the undersigned attorney and respectfully represent(s) and as follows:

1. A Post Confirmation Modified Plan (PCM) dated May 6, 2011 were filed on this day.

The PCM provides for:

- a. To rearrange the payment plan schedule in order to cured arrears with it and provided for additional periodic payments (3) to increased the base and comply with the best interest of creditors;
- b. To limit the payment on First Bank Puerto Rico mortgage loan to the amount paid before the stay was lifted over the collateral guaranteeing that loan;
- c. To provide for Banco Santander's post petition mortgage arrears, in response to the motion to lift stay, docket #80;
- d. And to request additional attorneys fees for \$350.00.

2. In compliance with the Court Order of April 27, 2011 fourteen (14) days notice is given to parties in interest to oppose this pcm.

WHEREFORE, the undersigned Counsel for the herein Debtor(s) respectfully informs this Honorable Court, all creditors and parties in interest, of the filing of the aforementioned plan.

Fourteen Days Notice To Parties In Interest

Within **fourteen (14) days** after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to the aforementioned ***POST CONFIRMATION MODIFIED PLAN*** with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise. *Fed. R. Bankr. P. 2002 (b) and LBR 9013-1.*

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to: Chapter 13 Trustee, and Monsita Lecaroz Arribas, Esq., Assistant U.S. Trustee. Furthermore, I hereby certify that all non CM/ECF participants will be served with an exact copy of this document by regular U.S. mail, postage prepaid, sent to their addresses of record as these appear in the attached master address list of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, May 6, 2011.

s/JOSE L. JIMENEZ QUINONES

JOSE L. JIMENEZ QUINONES

USDC-PR 203808

THE HATO REY CENTER, STE. 1118

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United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. 09-00945

ROSARIO SANTOS, DILENI MARIA

Chapter 13

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: 5/06/2011

☐ AMENDED PLAN DATED: _____

☐ PRE ☒ POST-CONFIRMATION

Filed by: ☐ Debtor ☐ Trustee ☐ Other

I. PAYMENT PLAN SCHEDULE

\$ 660.00 x 10 = \$ 6,600.00
\$ 0.00 x 1 = \$ 0.00
\$ 660.00 x 48 = \$ 31,680.00
\$ 1,320.00 x 1 = \$ 1,320.00
\$ _____ x _____ = \$ _____

TOTAL: \$ 39,600.00

Additional Payments:

\$ 2,502.00 to be paid as a LUMP SUM
within 56 months with proceeds to come from:

☐ Sale of Property identified as follows:

☒ Other:

Three Periodic Payments of \$834.00 on/before
months 36, 46, 56 of the Plan.

Periodic Payments to be made other than, and in
addition to the above:

\$ _____ x _____ = \$ _____

PROPOSED BASE: \$ 42,102.00

III. ATTORNEY'S FEES
(Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee
Disclosure Statement: \$ 1,500.00

Signed: /s/ DILENI MARIA ROSARIO SANTOS
Debtor

Joint Debtor

II. DISBURSEMENT SCHEDULE

A. ADEQUATE PROTECTION PAYMENTS OR \$ 125.00

B. SECURED CLAIMS:

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid as follows:

1. ☒ Trustee pays secured ARREARS:

Cr. BANCO SANTANDEI Cr. FIRST BANK PUERT Cr. BANCO SANTANDEI

POST-PET ARREAR # paid before LOS # XXXX7708

\$ 1,964.74 \$ 4,635.55 \$ 5,562.58

2. ☐ Trustee pays IN FULL Secured Claims:

Cr. _____ Cr. _____ Cr. _____

_____ # _____ # _____

\$ _____ \$ _____ \$ _____

3. ☒ Trustee pays VALUE OF COLLATERAL:

Cr. TOYOTA CREDIT DE Cr. _____ Cr. _____

XXXXXX77456 # _____ # _____

\$ 11,762.50 \$ _____ \$ _____

4. ☐ Debtor SURRENDERS COLLATERAL to Lien Holder:

5. ☐ Other:

6. ☒ Debtor otherwise maintains regular payments directly to:

BANCO SANTANDEI

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.
11 U.S.C. § 507 and § 1322(a)(2)

D. UNSECURED CLAIMS: Plan ☐ Classifies ☒ Does not Classify Claims.

1. (a) Class A: ☐ Co-debtor Claims / ☐ Other: _____

☐ Paid 100% / ☐ Other: _____

Cr. _____ Cr. _____ Cr. _____

_____ # _____ # _____

\$ _____ \$ _____ \$ _____

2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)
See Continuation Sheet

Attorney for Debtor JIMENEZ - QUINONES LAW OFFICES

Phone: (787) 282-9009

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN
Continuation Sheet - Page 1 of 2

Executory Contracts - Assumed:

Cr	#	\$
ALTAGRACIA BURG		
AUTORIDAD DE ACU		
AUTORIDAD DE ENE		
LEOCADIO OLEA PA		

AMENDED CHAPTER 13 PAYMENT PLAN**Continuation Sheet - Page 2 of 2**

1. MONTHLY ADEQUATE PROTECTION PAYMENTS OF \$125 STARTING AT MONTH ONE (1) OF THE PLAN UNTIL CONFIRMATION TO TOYOTA CREDIT DE PR, PO BOX 366251, SAN JUAN PR 00936 OR CREDITOR'S PAYMENT ADDRESS OF RECORD WITH THE TRUSTEE. INSURANCE WILL BE PROVIDED THROUGHOUT THE PLAN AFTER THE CAR LOAN MATURITY DATE: ESTIMATED TOTAL COST OF INSURANCE IS \$1,634.
 2. PRE AND POST PETITION MORTGAGE ARREARS THROUGH MAY 2009 WILL BE PAID BY THE TRUSTEE TO BANCO SANTANDER. DEBTOR WILL BEGIN DIRECT MORTGAGE PAYMENTS TO SANTANDER IN JUNE 2009.
 3. DEBTOR INCURRED IN POST PETITION ARREARS OF HER MONTHLY INSTALLMENT PAYMENTS FOR HER MORTGAGE FROM DECEMBER 2010 THROUGH MARCH 2011 FOR A TOTAL OF \$3,529.48 WHICH SHE WILL PAID \$1,564.74 (2 MONTHS WITH ITS LATE CHARGES) DIRECTLY TO BANCO SANTANDER DE PUERTO RICO AND THE REMAINING \$1,964.74 (2 MONTHS WITH ITS LATE CHARGES AND ATTORNEY'S FEES) IS INCLUDED IN THIS PCM.
 4. PRE-PETITION MORTGAGE ARREARS IN THE AMOUNT OF \$4,635.55 WERE PAID BY THE TRUSTEE TO FIRST BANK BEFORE THE STAY WAS LIFTED OVER DEBTOR'S PROPERTY LOCATED AT 514 CALLE JOSE SEVERO QUINONES, AT SANTURCE, PR, AND ITS CLAIM (POC #5) WAS WITHDRAWN.
 5. THE STAY WAS LIFTED OVER DEBTOR'S RESIDENTIAL PROPERTY (514 CALLE JOSE SEVERO QUINONES AT SANTURCE). THE PROVISION TO SELL WITHIN 18 AND PAY FIRST BANK DIRECT MONTHS IS MOOT.
 6. THIS PLAN INCLUDES \$350.00 IN ADDITIONAL ATTORNEY'S FEES FOR THE PCM .
- 14 DAYS NOTICE: THIS PLAN PROVIDES FOR PRO-RATA PAYMENTS TO SECURED CREDITORS RATHER THAN EQUAL MONTHLY PAYMENT AMOUNTS. FURTHERMORE, IT PAYS ONLY THE VALUE OF THE COLLATERAL TO SECURED CREDITOR TOYOTA MOTOR CREDIT DE PR CORP. PARTIES ARE ADVISED THAT THEY HAVE FOURTEEN (14) DAYS FOR FILING OBJECTIONS TO THE PLAN WITH THE COURT. OTHERWISE, ABSENT ANY OBJECTIONS, THE COURT MAY CONFIRM THE PLAN AS PROPOSED.

Label Matrix for local noticing
0104-3
Case 09-00945-ESL13
District of Puerto Rico
Old San Juan
Fri May 6 09:59:36 AST 2011

MONEY EXPRESS
MARIA M BENABE RIVERA
PO BOX 9146
SAN JUAN, PR 00908-0146

US Bankruptcy Court District of P.R.
U.S. Post Office and Courthouse Building
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

AT&T Mobility (PR)
Before Cingular Wireless
PO BOX 192830
SAN JUAN PR 00919-2830

AUTORIDAD DE ENERGIA ELECTRICA
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CITIFINANCIAL
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Recovery Management Systems Corporation
For GE Money Bank
dba GAP
25 SE 2nd Ave Ste 1120
Miami FL 33131-1605

BANCO SANTANDER PR
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Caguas, PR 00726-0306

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BANCO POPULAR DE PR
PO BOX 366818
SAN JUAN PUERTO RICO 00936-6818

EASTERN AMERICA INSURANCE CO
PO BOX 9023862
SAN JUAN PR 00902-3862

GAP CARD
PO BOX 530942
ATLANTA, GA 30353-0942

LEOCADIO OLEA PACHE
CALLE SEVERO QUINONES 514
BO. OBRERO
SAN JUAN, PR 00915-3428

MONEY EXPRESS
PO BOX 11890
SAN JUAN, PR 00922-1890

Recovery Management Systems Corporation
For GE Money Bank
dba JCPENNEY CREDIT SERVICES
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Miami FL 33131-1605

FIRST BANK DE PUERTO RICO
MARTINEZ & TORRES LAW OFFICES
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SAN JUAN, PR 00919-3409

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BO. OBRERO
SANTURCE, PR 00915-4117

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P.O. BOX 70101
SAN JUAN, PR 00936-8101

BANCO SANTANDER
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SAN JUAN, PR 00936-2589

FIRST BANK PUERTO RICO
DEPTO. DE EJECUCIONES
PO BOX 9146
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SANTANDER FINANCIAL SERVICES D/B/A ISLAND FI
C/O LIGIA RIVERA BUJOSA
PO BOX 7011
PONCE PR 00732-7011

SANTANDER VISA
PO BOX 191080
SAN JUAN, PR 00919-1080

TOYOTA CREDIT DE PUERTO RICO
PARQUE LAS AMERICAS 1
CALLE FEDERICO COSTA, STE. 501
SAN JUAN, PR 00918

TOYOTA CREDIT DE PUERTO RICO
PARQUE LAS AMERICAS I, SUITE 501
235 CALLE FEDERICO COSTAS
SAN JUAN, PR 00918-1341

TOYOTA CREDIT DE PUERTO RICO
PO BOX 71410
SAN JUAN, PR 00936-8510

TOYOTA FINANCIAL SERVICES
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Toyota Credit de Puerto Rico Corporation
P.O. Box 366251
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ALEJANDRO OLIVERAS RIVERA
ALEJANDRO OLIVERAS, CHAPTER 13 TRUS
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500 TANCA STREET SUITE 301
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PO BOX 70101
SAN JUAN, PR 00936-8101

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PO BOX 363508
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(d)BANCO SANTANDER PR
C/O RAMOS & BAGUE LAW OFFICE
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Total 43